

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 1-3, 6-26 and 35-42 remain in the application. Independent claim 1 has been amended to include the limitations of claims 4 and 5, and thus, claims 4 and 5 have been cancelled. Independent claim 13 has been amended to include the limitations of claims 29-34, and thus, claims 29-34 have been cancelled. It is respectfully submitted no new matter has been added to the instant application by these claim amendments.

Claims 1-26 and 29-42 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0078456 to Hudson et al. (hereinafter Hudson) in view of U.S. Patent No. 6,438,751 to Voyticky et al. (hereinafter Voyticky) as set forth on pages 2-12 of the Office Action dated July 21, 2008.

Claim 1 has been amended to incorporate the limitations of claim 4 and 5. Amended claim 1 is directed to a method of enhancing existing media content and now recites: "a) generating and storing an enhancement registry for a media selection from said media content, said enhancement registry including at least one time data associated with a corresponding time point during the play of said media selection, at least one frame location data associated with a specific location on at least one frame of said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different time data and frame location data associated with said media selection; b) associating a media storage medium containing said media selection with a corresponding media player; c) associating said media selection with time markers related to the stages of said media selection and to at least one of said time data; d) playing the media selection on said corresponding media

player for delivery to a user; e) receiving a user input and identifying the time of receipt; f) identifying the time marker of said media selection that corresponds to the time of receipt of said user input and a location marker of said media selection that corresponds to said user input; g) correlating said identified time marker with at least one of said time data and said identified location marker with at least one of said frame location data of said enhancement registry to determine a communicative link associated with the at least one of said time data and the at least one of said frame location data; and h) activating said determined communicative link associated with the at least one of said time data and said frame location data in response thereto, to deliver additional material related to a stage of said media selection to a user in accordance with the receipt of a user input" (emphasis added). System claim 13 has been amended to include similar limitations.

It is to be appreciated that the method and system of the present application utilize an enhancement registry for a media selection which includes at least one communicative link to deliver additional materials to a user. Each of the at least one communicative link is associated with time data associated with a corresponding time point during play of the media selection and frame location data associated with a specific location on at least one frame of the media selection (see page 11, lines 3-21 of the instant application). Upon a user input being received, a time marker is identified corresponding to the time of receipt of the user input and a location marker is identified corresponding to the location of receipt of the user input (see page 15, lines 19 - page 16, line 11). The **identified time marker** is then correlated to the time data of the media selection, i.e., the corresponding time point of play of the media selection, and the identified location marker is then correlated to the frame location data of the media selection to determine

the communicative link of the media selection associated to the time data and frame location data (see page 22, line 23 - page 23, line 12 of the instant application). Subsequently, the determined or identify communicative link is activated. Accordingly, as a media selection is being delivered to a user, whether an audio, audio/video and/or another type of media selection, the media selection is enhanced with user interactivity, allowing a user to at least provide a user input in order to effectively retrieve additional material that can be specifically related to the media selection, and more specifically to a portion of the media selection that is being delivered when and where the user input is generated.

The Examiner rejected claims 4 and 5, which depend from claim 1, based on the rejection to claim 1 in view of Hudson and Voyticky and further pointed to paragraphs 0033 and 0046-0048 of Hudson specifically for claims 4 and 5.

Hudson is directed to a system and method for interacting with video by displaying one or more interface links associated with video content being displayed, pausing the video content when an interface link is interacted with, allowing the user to view ancillary content the interface link is linked to over a network, and un-pausing the video content after the user elects to continue viewing the video content. The interface links are delivered to the user with the video content, automatically without a user's request. The interface links "may be delivered separately from the video stream such that the links overlay the video stream content when displayed to the user (a "floating" interface link), or the interface links may be embedded in the video stream itself" (see paragraph [0011] and [0030]-[0032] of Hudson). The interface links may be delivered as a timed program,

In such an instance, interface links may be preprogrammed to interact with, for example, time code markers embedded

in the video stream, such that one or more interface links may appear or disappear based on the time elapsed. The association of interface links with time code markers may be achieved by known video editing or encoding applications. The appearance of a time code marker may be triggered when a time code window of the application delivering the video, for example, a media player, reaches a selected frame. For example, an interface link may appear in the right hand corner of the user's display after five minutes have elapsed during a video presentation to coincide with the entrance of an object of interest... (see paragraph [0033] of Hudson)

Therefore, in one form or another, the interface link must be delivered or sent to the user based on an elapsed time before a user can interact with the link. The interactive links are not delivered based a user input. Whether the user interacts with the video content or not, the interactive links are displayed at predetermined point of time regardless of the interest of the user.

Hudson does not disclose receiving a user input and then identifying a time and location of the user input to determine a communicative link associated with that time and location of a frame of the media selection. In paragraph [0033] of Hudson, Hudson discloses using time code markers to determine when to display or to deliver an interface link to a user, i.e., "one or more interface links may appear or disappear based on time elapsed". The time code markers of Hudson are not used, in response to a user input, as a look-up mechanism to activate a communicative link of an enhancement registry. In contrast, amended claim 1 of the instant application 1.) receives a user input; 2.) identifies the time marker corresponding to the time of receipt of the user input and a location marker corresponding to a specific location within a frame based on the user input; 3.) correlates the identified time marker (the time marker being based on the receipt of the

user input) with time data of the enhancement registry and the identified location marker (the location marker being based on the receipt of the user input) with the frame location data of the enhancement registry to determine a communicative link associated with the time data and frame location data; and 4.) activates the determined communicative link to deliver materials to the user.

Hudson's "time code markers" are used to enable the "interface links" to be responsive to a user input, and without their action the links are ineffective and produce no response to the input. In contrast, the claimed time markers and location markers, which are distinct from the claimed "time data" and "frame location data", are directly responsive to a user input and produce the delivery of additional materials to the user, through their correlation with the time data, frame location data and communicative links of an enhancement registry. No additional enabling is involved as in Hudson.

Voyticky does not overcome the deficiencies of Hudson to reach the method of amended claim 1. Voyticky is directed to a method and apparatus that enables a user to store event information while watching a television broadcast, where goods and services associated to the event information are determined and displayed to the user at a later time. In addition to the Examiner not pointing out any relevant section of Voyticky in relation to claims 4 and 5, Voyticky does not disclose or suggest an enhancement registry including, inter alia, "at least one frame location data associated with a specific location on at least one frame of said media selection" nor "a location marker of said media selection that corresponds to said user input" for correlating frame location data along with time data to identify a communicative link. No where in Voyticky is it disclosed or suggested to used a specific location of a frame of the media selection to determine the goods or services.

The only mention of location information in Voyticky is in relation to "a location code which indicates the location of the user who pressed the event button", i.e., location being the physical location of the user. The location code mentioned in Voyticky in no way relates to a location in a frame of a media selection.

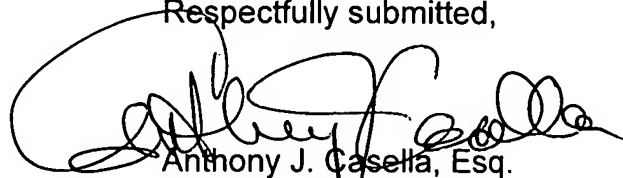
Therefore, it is respectfully submitted that the claimed method differs essentially from the teachings of Hudson and Voyticky so that claim 1 is patentably distinct and not rendered obvious by Hudson and Voyticky alone or in any combination. Furthermore, it is respectfully submitted that dependent claims 2-3, and 6-12, depending directly or indirectly from amended claim 1, are patentable for at least the reasons stated above in regard to amended claim 1.

Claim 13 is directed to a media enhancement system including "a) a media player structured to deliver a media selection to a user; b) an enhancement registry associated with said media selection, said enhancement registry including at least one time data associated with a corresponding time point during play of said media selection, at least one frame location data associated with a specific location on at least one frame of said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different one of said time data and frame location data; c) a user interface operatively associated with said media player and structured to receive a user input at least during delivery of said media selection by said media player, said user interface includes a location indicator structured to identify a location on at least a frame of said media selection, wherein said user interface further structured to generate a location marker corresponding to a position of said location indicator associated with a user input; d) said media player structured to

receive an indication from said user interface of the time of receipt of a user input to identify a time marker associated with said media selection that corresponds to the time of receipt of said user input; and e) an activation assembly structured to access said enhancement registry, correlate the identified time marker with at least one of said time data and said identified location marker with at least one of said frame location data of said enhancement registry to identify one of said at least one communicative links associated with the at least one of said time data and said frame location data and to correspondingly activate said identified communicative link for delivery of said additional materials to the user in accordance with the receipt of a user input, wherein said enhancement registry includes a different one of said communicative links in association with each of a plurality of said location markers for a particular one of said time markers" (Emphasis added). For at least the reasons cited above in relation to claim 1, it is respectfully submitted amended claim 13 is patentably distinct and not rendered obvious by Hudson and Voyticky alone or in any combination. Furthermore, it is respectfully submitted that dependent claims 14-26 and 35-42, depending directly or indirectly from amended claim 13, are patentable for at least the reasons stated above in regard to amended claim 13.

In view of the preceding amendment and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below if the Examiner believes a telephone or personal interview would facilitate the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony J. Casella', is written over the typed name and contact information.

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